

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3 -oOo-

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 STEVEN A. HOLPER, M.D.,

8 Defendant.
9

Case No.: 2:18-cr-0037-JAD-NJK

~~PROPOSED COMPLEX~~
CASE ORDER
(STIPULATION)

10 This matter coming before the Court on the parties' Proposed Complex
11 Case Schedule, the premises therein considered, and good cause showing, the
12 Court HEREBY ORDERS as follows:

13 1. That this case is designated as a complex case pursuant to LCR
14 16-1(a). All time from the date of arraignment and plea until such time as this
15 Court shall rule otherwise is hereby excluded for purposes of speedy trial
16 calculations, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(i)-(ii).

17 2. This Court concludes that the ends of justice served by the
18 proposed exclusion of time outweigh the best interest of the public and the
19 defendants in a speedy trial. This case is complex, due to the breath of the
20 discovery and subject matter, that it is unreasonable to expect adequate
21 preparation for pretrial proceedings and the trial itself within the otherwise
22 applicable time limits. The Court further concludes that denial of this exclusion
23 and the additional time it would bring to prepare would likely result in a
24

1 miscarriage of justice.

2 a. The discovery in the matter is more than 100,000 pages of
3 records. The records need to be reviewed by defense experts and this can take a
4 significant amount of time due to the complex nature of the subject matter.

5 b. The fraud and scheme alleged in the Indictment is complex
6 because it involves patient's Medicaid and Medicare data, as well as private
7 insurance records and financial data that will take significant time for the
8 defense, including the defense experts, to review and adequately prepare for
9 pretrial motions and trial.

10 3. Trial Date. ~~The current trial setting for this matter on April 10,~~
11 ~~2018 is vacated, and rescheduled.~~ The parties shall file a separate
12 stipulation to continue the trial date. _____.

13 ~~Calendar Call is set for~~ _____.

14 4. Excluded Time. The parties stipulate that all time from the entry
15 of Defendant's plea in this case until the trial of this matter is excluded under
16 Title 18, United States Code, Section 3161(h)(7)(A) as the ends of justice
17 outweigh the interests of the public and defendant in a speedy trial.

18 5. Pretrial Motions. The parties shall have:

19 A. To and including December 18, 2018, within which to file
20 any and all pretrial motions and notices of defense;

21 B. To and including twenty-one (21) days after the filing of a
22 pretrial motion within which to file any and all responsive pleadings;

23 C. To and including seven (7) days after the filing of a
24

1 responsive pleading within which to file and all replies to dispositive motions.

2 6. The Parties' Discovery Obligations

3 A. The United States shall begin providing its Rule 16
4 disclosures to the defendant within forty-five (45) of arraignment and,
5 consistent with its ongoing discovery obligations, turn over additional materials
6 as they become available.

7 B. The defendants' Rule 16 disclosures, including, specifically,
8 disclosures related to expert witness testimony, should be made immediately,
9 or, in all events, no later than on or before seventy-five (75) days before the date
10 set for trial by this Court, in order to allow for sufficient trial preparation.

11 //

12 //

13 //

14 //

15 C. The United States is not required to disclose *Jencks*

16 material until after the government witness testifies on direct examination. 18
17 U.S.C. § 3500(b). Nonetheless, in the interest of efficiency, the United States
18 will consent to disclose *Jencks* materials no later than twenty-one (21) days
19 before trial, except: (1) with permission of the Court, for good cause shown; and
20 (2) with the caveat that the United States does not consent to any remedy for
21 any violation of the twenty-one (21) day disclosure deadline that would preclude
22 it from calling a witness at trial (that is, it reserves the right to argue to the
23
24

1 Court that exclusion of the witness is not a proper remedy).

2 **IT IS SO ORDERED:**

3
4
5 
6 THE HONORABLE NANCY J. KOPPE
7 UNITED STATES MAGISTRATE JUDGE

March 20, 2018

Date